

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 NSAE-00 NSCE-00
SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-10 L-03
PA-01 SP-02 SS-15 TRSE-00 MCT-01 HA-05 /056 W
-----057713 311242Z /10

O R 311227Z MAR 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 7204
USMISSION USBERLIN IMMEDIATE
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 01 OF 02 BONN 05803

E.O. 11652: GDS
TAGS: PGOV, BQG
SUBJECT: BRITISH RAISE LORENZ-DRENCKMANN TRIAL IN
BONN GROUP

REFS: (A) BONN 5694
(B) 76 USBER 159
(C) 76 USBER 43
(D) 75 USBER 432

1. SHORTLY BEFORE THE MARCH 30 BONN GROUP MEETING,
THE UK LEGAL ADVISER (EATON) INFORMED US THAT THE FCO
HAD AUTHORIZED THE BRITISH TO RAISE THE QUESTION OF THE
CHARGE OF COERCING CONSTITUTIONAL ORGANS (REF A). THE
US BONN GROUP REP DISCUSSED THE MANNER OF PRESENTATION
WITH EATON AND SAID THAT IT APPEARED PREMATURE TO RAISE
THE QUESTION IN THE BONN GROUP AT THIS POINT
IF THE BRITISH PLANNED TO SUGGEST THAT THE COUNT BE
DROPPED. EATON SAID HE PLANNED ONLY TO BRING THE
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POSSIBLE POLITICIZATION OF THIS CHARGE TO THE GERMANS'
ATTENTION AND ASK WHETHER THEY HAD CONSIDERED IT.

2. AT THE MEETING, EATON NOTED THAT THE TRIAL OPENS
APRIL 11 AND SAID THAT THE ALLIED LEGAL ADVISERS IN
BERLIN HAVE BEEN CONSIDERING POSSIBLE POLITICAL PROBLEMS
CONNECTED WITH THE TRIAL, E.Q. THE CHARGE OF COERCING

CONSTITUTIONAL ORGANS, WHICH IS POLITICALLY VULNERABLE. HE SAID THAT THE LEGAL ADVISERS HAVE REPORTED THAT THEY HAVE HEARD THAT DEFENSE ATTORNEYS, IN AN ATTEMPT TO POLITICIZE THE TRIAL, MIGHT TRY TO CALL PROMINENT FEDERAL OFFICIALS AND ASKED WHETHER THE FRG HAD CONSIDERED THIS POSSIBILITY.

3. FRG REP (VON RICHTHOFEN) SAID HE HAD NO NEW INFORMATION BUT WOULD INQUIRE. MEICHSNER OF THE BERLIN REPRESENTATION SAID THAT THE COURT WILL BE CAREFUL TO PREVENT A POLITICIZATION OF THE TRIAL. THIS HAS BEEN ATTEMPTED BY DEFENSE ATTORNEYS IN OTHER CASES AND IN EACH CASE THE COURT HAS TURNED BACK THE ATTEMPTS. THE COMMON GOAL OF THE PROSECUTORS AND THE COURT IS TO CONDUCT A NORMAL TRIAL. FRENCH REP (RICHARD) ASKED WHETHER THE ABOVE CHARGE HAS BEEN PRESENT IN OTHER CASES AND VON RICHTHOFEN SAID HE DID NOT KNOW.

4. AFTER IT WAS AGREED THAT THERE ARE NO LEGAL OBJECTIONS TO THE CHARGE BEING INCLUDED (THE BRITISH HAVE SINCE CONFIRMED THAT THE RELEVANT LAW WAS TAKEN OVER IN BERLIN AS WE HAVE ALSO FOUND IN REF D), THE UK REP (EYERS) SAID THERE ARE ALSO POLITICAL CONSIDERATIONS. THE SOVIETS TEND TO PROTEST ABOUT THOSE MATTERS WHICH BECOME PUBLIC, NOT ABOUT THOSE WHICH DO NOT ATTRACT PUBLIC ATTENTION. IF THERE IS A GREAT BROUHAHA IN CONFIDENTIAL

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THE COURT, THIS IS THE TYPE OF PUBLIC EVENT ON WHICH

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SSO-00 USIE-00 INRE-00 PM-05 H-01 INR-10 L-03
PA-01 SP-02 SS-15 TRSE-00 MCT-01 HA-05 /056 W
-----057735 311253Z /45
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FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 7205
USMISSION USBERLIN IMMEDIATE
INFO AMEMBASSY BERLIN
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THE SOVIETS WILL SEEK TO COMMENT.

5. THE FRG REP (VON RICHTHOFEN) SAID THAT HE DID NOT KNOW THE STRATEGY OF THE FEDERAL PROSECUTOR AND WOULD HAVE TO ASK THE MINISTRY OF JUSTICE FOR A STATUS REPORT. THE US REP, CONCERNED THAT THE IMPRESSION MIGHT BE GIVEN THE FRG THAT THE ALLIES WERE ATTEMPTING TO HAVE THE CHARGE DROPPED, RECALLED THAT THIS WAS ONE OF THE CHARGES WHICH COMPELLED THE PROSECUTION BY THE FEDERAL PROSECUTOR AND THAT THE BONN GROUP HAD BEEN AWARE OF THIS CHARGE FOR SEVERAL YEARS.

6. COMMENT: THE ALLIES HAVE BEEN AWARE OF THIS CHARGE IN PARTICULAR SINCE 1975 (REFS B, C, D) AND HAVE NEVER SUGGESTED THAT IT BE DROPPED. AN OFFICIAL FROM THE MINISTRY OF JUSTICE BRIEFED THE BONN GROUP IN MAY 1976 (76 BONN 9562) AS TO HOW THE CHARGE MANDATED THE CONDUCT
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OF THE CASE BY THE FEDERAL PROSECUTOR'S OFFICE AND SINCE THEN ALMOST ALL OF THE ALLIED ATTENTION HAS FOCUSED ON THE DUAL QUESTIONS OF WHO FROM THAT OFFICE WOULD LEAD THE TRIAL AND HOW FEDERAL PROSECUTION WOULD BE PORTRAYED.

7. THE BRITISH HAVE TOLD US THAT PROSECUTOR OBERLE HAS INDICATED TO THE FRENCH AND BRITISH IN BERLIN THAT HE WOULD DROP THE CHARGE IF THE ALLIES GAVE HIM A "SIGNAL." WE DO NOT KNOW WHETHER OBERLE IS AWARE OF THE BACKGROUND OF THE RELATIONSHIP BETWEEN THE CHARGE AND THE ROLE OF THE FEDERAL PROSECUTOR'S OFFICE AND ARE CONCERNED THAT THE BRITISH AND FRENCH MAY TAKE OBERLE'S COMMENT AS A BASIS FOR PRESSING FOR FRG CONCURRENCE WITH SUCH AN ALLIED SIGNAL. WE PROPOSE, UNLESS INSTRUCTED TO THE CONTRARY, TO EMPHASIZE THE POLITICAL NECESSITY FOR AGREEMENT WITH THE FRG BEFORE INTERVENING IN THE CASE AND TO RESIST ANY EFFORT TO PRESSURE THE GERMANS

TO AGREE THAT THE ALLIES SHOULD INTERVENE BY SUGGESTING
THAT THIS LONG-STANDING CHARGE BE DROPPED.
STOESSEL

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